

RYAN ALEXANDER, CHTD.
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RYAN ALEXANDER
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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KIZZY BYARS, DANIELLE JAMES, as
Individuals and On Behalf of Others Similarly
Situating;

Plaintiffs,

v.

WESTERN BEST LLC dba THE CHICKEN
RANCH, a Domestic Limited Liability
Company; DOES I through X, inclusive, and
ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: 2:19-cv-01690-JCM-DJA
Hon. James C. Mahan

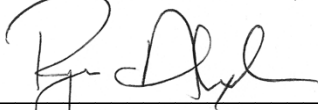
**MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFF
DANIELLE JAMES**

No Hearing Requested

Ryan Alexander, Esq., of RYAN ALEXANDER, CHTD., respectfully moves this court for an Order permitting Ryan Alexander to withdraw as counsel for Plaintiff DANIELLE JAMES in the above captioned matter, pursuant to Local Rule 1A 10-6, S.C.R. 46, and NRCP 1.16 (b)(1) and (7). This Motion is made and based upon the following Memorandum of Points and Authorities, the declaration of Ryan Alexander the papers and pleadings on file herein.

Dated May 23, 2022.

RYAN ALEXANDER, CHTD.



RYAN ALEXANDER
Nevada Bar No. 10845
Attorney for Plaintiffs

DECLARATION OF RYAN ALEXANDER, ESQ. IN SUPPORT OF PLAINTIFFS'
MOTION FOR PROTECTIVE ORDER

Pursuant to LR 26-6(c), RYAN ALEXANDER, ESQ., being first duly sworn, deposes and says:

1. I am an attorney at law duly licensed to practice in the State of Nevada, and I am counsel for Plaintiffs KIZZY BYARS and DANIELLE JAMES in the instant matter (Case Number 2:19-cv-01690-JCM-DJA). I have personal knowledge of the facts set forth below and I believe them to be true. I am over eighteen years old and I am competent to testify to the matters set forth herein.
2. Plaintiff DANIELLE JAMES and I have a fundamental disagreement, and it would be a financial burden to be compelled to continue.
3. JAMES was given notice of my intent to withdraw from this case by email and U.S. Mail.

Pursuant to 28 U.S. Code §1746, I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on May 23, 2022.

/s/Ryan Alexander

RYAN ALEXANDER

MEMORANDUM OF POINTS AND AUTHORITIES

Counsel and Plaintiff JAMES have reached a fundamental disagreement regarding the prosecution of this case, and compelling further representation would be an unreasonable financial burden on Counsel. Local Rule IA 11-6 (a) provides that “No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.” Nevada R.P.C. 1.16 provides in pertinent part:

(b) A lawyer may withdraw from representing a client if: (1) Withdrawal can be accomplished without material adverse effect on the interests of the client; ... (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement; ... (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; (7) Other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Plaintiff will receive notice of Counsel’s intent to withdraw via email and the United States Postal Service. Opposing counsel in this case will receive notice of this Motion to Withdraw via the CM/ECF system, pursuant to the certificate of service attached herein.

Additionally, Local Rule IA 11-6(e) provides that “no withdrawal ... shall be approved if delay of discovery, the trial or any hearing in the case would result.” Here, no delay will result from Counsel’s withdrawal because the discovery deadlines were extended up until July 25, 2022; Dispositive motions are due on August 25, 2022, and the Joint Pretrial Order is due on September 22, 2022. [Dkt. #67]. Counsel’s withdrawal will not prejudice either party or delay any proceeding in this matter.

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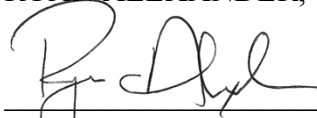
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CONCLUSION

Counsel respectfully moves this Court for an Order approving the withdrawal of Ryan Alexander, Esq., as attorney for the Plaintiff DANIELLE JAMES in the instant matter.

Dated May 23, 2022.

RYAN ALEXANDER, CHTD.



RYAN ALEXANDER
Nevada Bar No. 10845
Attorney for Plaintiffs

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3017 W. Charleston, Ste. 10, Las Vegas, Nevada 89102. On May 23, 2022, I served the within document(s):

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF DANIELLE JAMES

■ ECF System.

FOX ROTHSCHILD LLP
DEANNA L. FORBUSH dforbush@foxrothschild.com
COLLEEN E. MCCARTY cmccarty@foxrothschild.com
Attorneys for Defendant Western Best LLC
d/b/a The Chicken Ranch

□ FACSIMILE - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth on the attached Telecommunications Cover Page(s) on this date before 5:00 p.m.

■ MAIL - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below:

Danielle James
2031 W. Creek Lane
Houston, TX 77027

□ PERSONAL SERVICE - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I declare under penalty of perjury under the laws of the State of Nevada that the above is true and correct. Executed on May 23, 2022, at Las Vegas, Nevada.

/s/ Jennifer Lee
An Employee of RYAN ALEXANDER, CHTD.
Attorney for Plaintiff

RYAN ALEXANDER, CHTD.
3017 WEST CHARLESTON BOULEVARD SUITE 10, LAS VEGAS, NEVADA 89102